

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

Civil Action No. 1:18-cv-52

SHELBY LYNN CASH, and )  
BETTY JOE CASH BAYNE, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
LEES-MCRAE COLLEGE, )  
INC., JON DRIGGERS, )  
JEFFREY MERRILL, JOSH )  
GAISSER, and ANDREW )  
TAYLOR, )  
 )  
Defendants. )

DEFENDANTS' MOTION  
TO DISMISS THE COMPLAINT

COME NOW Defendants Lees-McCrae College Inc., Jon Driggers, Jeffrey Merrill, Josh Gaisser, and Andrew Taylor, by and through the undersigned counsel, and move the Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss Plaintiff's Complaint for failure to state a claim upon which relief can be granted.

Wherefore, Defendants respectfully request that Plaintiffs' Complaint be dismissed for the reasons set out in Defendants' accompanying Memorandum of Law in Support of Motion to Dismiss.

This the 18th day of May, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2018, I electronically filed the foregoing *Motion to Dismiss* with the Clerk of Court using the CM/ECF system, which will send notification to counsel of record below:

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